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Proposed Co-Lead Counsel for Plaintiffs

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Proposed Liaison Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ELECTRICAL WORKERS PENSION FUND,
LOCAL 103, I.B.E.W., On Behalf of Itself and
All Others Similarly Situated

Plaintiff,

vs.

NUVELO, INC., et al.,

Defendants.

No. 3:07-cv-04056-MJJ

CLASS ACTION

**CONSOLIDATED RESPONSE TO
PENDING MOTIONS OF ALL LEAD
PLAINTIFF APPLICANTS REGARDING
THE APPOINTMENT OF LEAD
PLAINTIFFS AND CO-LEAD COUNSEL**

DATE: October 2, 2007
TIME: 9:30 a.m.
COURTROOM: The Hon. Martin J. Jenkins

1 WHEREAS, Juan Pablo Cabrera, represented by Schatz Nobel Izard, P.C. and Coughlin
2 Stoia Geller Rudman & Robbins LLP, filed an application to be appointed lead plaintiff;

3 WHEREAS, Frank C. Petronis and Patricia A. Petronis, Todd A. Stephens and Amy
4 Stephens, and Vincent E. DiFrancia and Candace L. DiFrancia (the "Petronis Group") represented
5 by Berger & Montague, P.C., filed an application to be appointed lead plaintiff;

6
7 WHEREAS, both Mr. Cabrera and the Petronis Group suffered substantial losses as a result
8 of their purchases of Nuvelo securities during the class period;

9 WHEREAS, Mr. Cabrera and the Petronis Group have agreed to work together as lead
10 plaintiffs to prosecute this action jointly on behalf of the Class and propose the law firms of Berger
11 & Montague, P.C., and Schatz Nobel Izard, P.C. to serve as plaintiffs' Co-Lead Counsel and the law
12 firm of Coughlin Stoia Geller Rudman & Robbins LLP as plaintiffs' Liaison Counsel;

13
14 WHEREAS, Berger & Montague, P.C. and Schatz Nobel Izard, P.C. have previously worked
15 together successfully as co-lead counsel in securities class actions, such as *Laborers Local v.*
16 *Campbell Soup Company*, No. Civ.A. 00-152 (JEI), where they represented the State of Connecticut
17 Retirement Plans and Trust Funds and other individual plaintiffs as lead plaintiffs; and

18 WHEREAS, the only remaining applicant for lead plaintiff, the Lidard Group, represented by
19 Schiffrin Barroway Topaz & Kessler LLP, whose losses were considerably less than those of Mr.
20 Cabrera or the Petronis Group, has agreed to withdraw its lead plaintiff application without
21 prejudice to its rights as a member of the proposed Class; and

22
23 WHEREAS, one member of the Petronis Group, Vincent and Candace DiFrancia whose
24 losses were less than \$30,000, has agreed to withdraw from the Petronis Group and thus there is no
25 opposition to this Amended Motion;

26 THEREFORE, the parties to this Amended Motion hereby agree as follows:

27 1. Having evaluated all of the lead plaintiff applications, Mr. Cabrera and Frank C. and
28

Patricia A. Petronis and Todd A. and Amy Stephens hereby jointly amend their respective lead plaintiff applications without opposition from any lead plaintiff applicants, and request that the Court enter the attached Order appointing them as lead plaintiffs and approving of their selection of the law firms of Berger & Montague, P.C. and Schatz Nobel Izard, P.C. as plaintiffs' Co-Lead Counsel and Coughlin Stoia Geller Rudman & Robbins LLP as plaintiffs' Liaison Counsel.

Dated: September 11, 2007

/s/ Dennis J. Herman

Dennis J. Herman (220163)
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San Francisco, CA 94111

*Proposed Liaison Counsel for Plaintiffs and
the Class*

I, Dennis J. Herman, am the ECF User whose ID and password are being used to file this CONSOLIDATED RESPONSE TO PENDING MOTIONS OF ALL LEAD PLAINTIFF APPLICANTS REGARDING THE APPOINTMENT OF LEAD PLAINTIFFS AND CO-LEAD COUNSEL. In compliance with General Order 45, X.B., I hereby attest that the undersigned have concurred in this filing.

/s/ Dennis J. Herman

DENNIS J. HERMAN

Dated: September 11, 2007

/s/ Andrew M. Schatz

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Jeffrey S. Nobel
Nancy A. Kulesa
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*Counsel for Lead Plaintiff Applicant Juan
Pablo Cabrera and Proposed Co-Lead
Counsel for the Class*

Dated: September 11, 2007

/s/ Sherrie R. Savett

1 Sherrie R. Savett
2 Barbara A. Podell
3 Phyllis M. Parker
4 **BERGER & MONTAGUE, P.C.**
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7 *Counsel for Lead Plaintiff Applicants*
8 *Frank C. Petronis and Patricia A. Petronis,*
9 *Todd A. Stephens and Amy Stephens, and*
10 *Vincent E. DiFrancia and Candace L.*
11 *DiFrancia and Proposed Co-Lead Counsel*
12 *for the Class*

13 Dated: September 11, 2007

14 /s/ Stuart Berman

15 Stuart Berman
16 **SCHIFFRIN BARROWAY TOPAZ &**
17 **KESSLER LLP**
18 280 King of Prussia Road
19 Radnor, PA 19087

20 *Counsel for Lead Plaintiff Applicant*
21 *Lidard Group*

22 T:\CasesSF\Nuvelo\MOT00045460.doc

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 11, 2007.

s/ Dennis J. Herman
DENNIS J. HERMAN

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Electronic Mail Notice List

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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